

REMARKS

Claims 10-29 remain in this application.

In the Final rejection the examiner objected to the drawings, saying that the cone shaped valve element recited in claims 13-15 is not shown in the drawings. This objection has been made moot by the cancellation of this language from claims 13-15.

The examiner rejected claims 18, 21 and 28 as indefinite. To alleviate this rejection, claims 18, 21 and 28 have been made dependent on claim 14. Since claim 14 depends on claim 11, which recites “the first contact portion”, these claims now have antecedent basis for both the first and second conduit portions.

The language “**the valve element alternatively opening and closing the fluid conduit on the upstream side of the valve chamber**” has been added to claim 10. And lest the examiner consider this a new issue, it is pointed out the claim already recited a valve element disposed in a valve chamber. Further, it is pointed out that a valve element normally does alternatively open and close a conduit, so that the language added cannot properly be considered to recite any new issues.

The examiner rejected claims 10 and 13 as anticipated by Lorenz, claims 10-12 and 16-27 as anticipated by Nozaki, claims 13-15 as unpatentable over Nozaki in view of Matsubara et al. and claims 28-29 as unpatentable over Nozaki.

With regard to the examiner's rejection of claims 10 and 13 based on the reference to Lorenz, it is noted that figures 4 and 5 of Lorenz show an inlet 9 or 13 which appears to be the same diameter as outlet 10 or 14. The examiner calls element 11 a valve element.

However, the examiner's characterization of element 11 as a valve element is not proper. It does not open and close the conduit as a valve element would, and it does not in any way close off fluid flow through the conduit. At most, element 11 of Lorenz would make reverse movement of the fluid only slightly more difficult than forward movement. It would not stop reverse flow as would be the case if it were actually a valve element.

The examiner's reading of Lorenz is thus not appropriate, since **element 11 of Lorenz cannot be considered to be a valve element.**

Nevertheless, language has been added to claim 10 so that it now explicitly recites that the valve element opens and closes the conduit on the upstream side of the valve chamber. Thus, the valve element as now recited in the claims provides a definite closure of the conduit to prevent reverse flow of the fluid, rather than merely impede reverse flow as Lorenz' element would do.

It is pointed out that this is merely an iteration of what a valve element does; it is not a new recitation of structure. Thus, as pointed out above, it would not be proper for the examiner to call this recitation a new issue and refuse entry of the amendment.

With regard to the examiner's rejections of claims 10-12 and 16-27 as anticipated by Nozaki and claims 28-29 as unpatentable over Nozaki, these rejections contain the same shortcoming as the rejection based on Lorenz. The examiner calls element 42 on Nozaki a valve element. Perhaps element 42 does slightly impede reverse flow of the fluid as compared to forward flow, so possibly it can be considered to be an impediment for reverse flow. But it is not a valve element, since to be a valve element it would have to close off reverse flow. Since element 42 of Nozaki is only the edge of duct 22, it certainly is not a valve element which closes the conduit, as would be expected of a valve element.

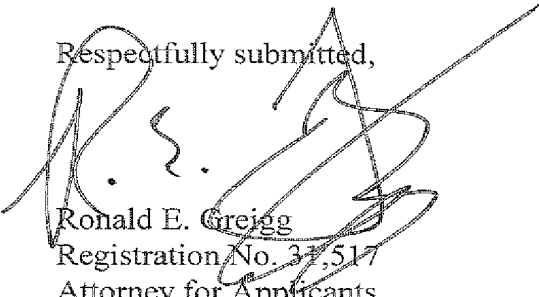
Again, however, in an effort to make it even less appropriate for the examiner to interpret any structure of Nozaki as a valve element, the valve element now is specifically recited to open and close the conduit.

With regard to the examiner's rejection of claims 13-15 based on Nozaki in view of Matsubara et al., it is pointed out that baffle 5 of Matsubara et al., which baffle the examiner called a valve element, even as shown in figure 6, has the same shortcoming as structure set forth by the examiner as a valve element in Lorenz and Nozaki. Even before the amendments which have been made to claim 10, this rejection was not a valid rejection. Furthermore, with the amendments made to claim 10 by means of this amendment, this rejection is even further from being a valid rejection.

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Amdt. dated July 6, 2009
Reply to Final office action of May 1, 2009

For all of the above reasons, whether singly or taken in combination with each other,
entry of this amendment and allowance of the claims are courteously solicited.

Respectfully submitted,



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